

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Alan Nadel on 20 December 2007.

Claim 1 is amended as follows:

In line 1 of the claim, delete "gene" in between "receptor" and "comprising" and insert - - coding sequence- - in between "receptor" and "comprising"

In line 2 of the claim, delete "(d)" in between "to" and ":" and insert - - (e)- - in between "receptor" and "comprising"

In line 7 of the claim, insert - - and has estrogen binding activity - - in between "," and "and"

In line 9 of the claim, insert - - and has estrogen binding activity, - - after ", "

In line 9 of the claim, insert - - and- - at the end of the claim

At the end of the claim, insert - - (e) a fragment of any of amino acid sequences (a) through (d) comprising the ligand binding domain of the estrogen receptor and has estrogen binding activity

Claim 2 is amended as follows:

In line 1 of the claim, delete "gene" in between "receptor" and "comprising" and insert - - coding sequence- - in between "receptor" and "comprising"

In line 2 of the claim, delete "(g) to (h)" in between "sequences" and ":" and insert - - (a) or (b)- - between "sequences" and ":"

In line 3 of the claim, delete "(g)" at the beginning of the claim and insert - - (a)- - at the beginning of the claim

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In line 4 of the claim delete "and" at the end of the claim and insert - or- - at the end of the claim

In line 5 of the claim, delete "(h)" at the beginning of the claim and insert - (b)- - at the beginning of the claim

Claim 3 is amended as follows:

delete "gene" in between "receptor" and "according" and insert - - coding sequence-- in between "receptor" and "according"

Claim 4 is amended as follows:

In line 2 of the claim, delete "gene" in between "receptor" and "." and insert - - coding sequence- - in between "receptor" and "."

Claim 7 is amended as follows:

In line 2 of the claim, delete "gene" in between "receptor" and "according" and insert - - coding sequence- - in between "receptor" and "according"

Claim 8 is amended as follows:

In line 2 of the claim, delete "gene" in between "receptor" and "according" and insert - - coding sequence- - in between "receptor" and "according"

Claim 10 is amended as follows:

In line 2 of the claim, delete "gene" in between "receptor" and "in" and insert - - coding sequence- - in between "receptor" and "in"

Claim 15 is amended as follows:

In line 2 of the claim, delete "gene" in between "receptor" and "according" and insert - - coding sequence- - in between "receptor" and "according"

Claim 18 is cancelled

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Claim 19 is amended as follows:

In line 6 of the claim, delete “,” in between “1” and “and”

In line 6 of the claim, insert - - and has estrogen binding activity,- - at the end of the line

In line 8 of the claim, insert - - and has estrogen binding activity- - at the end of the line.

Claim 20 is amended as follows:

In line 5 of the claim, delete “gene” in between “receptor” and “according” and insert - - coding sequence- - in between “receptor” and “according”

In line 8 of the claim, delete “an expression amount of ” in between “measuring” and “the” and insert - - the amount of expression of - - in between “measuring” and “the”

Claim 21 is amended as follows:

In line 2 of the claim, insert - - (a)- - at the beginning of the line before “bringing”

In line 3 of the claim, delete “and” at the end of the line

In line 3 of the claim, insert - -, - - at end of the claim

In line 4 of the claim, insert - - (b)- - at the beginning of the claim, before “incubating”

In line 4 of the claim, delete “.” and insert - - and- -

At the end of the claim, insert (c) detecting the binding of the test substance with the estrogen receptor.- -

Claim 22 is amended as follows:

In line 6 of the claim, delete “receptor” in between “estrogen” and “encoded”

In line 6 of the claim, insert - - binding protein- - in between “estrogen” and “encoded”

In line 6 and 7 of the claim, delete “gene” in between “receptor” and “according” and insert - - coding sequence- - in between “receptor” and “according”

Claim 23 is cancelled.

Claims 1-16, and 19-22 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHULAMITH H. SHAFER whose telephone number is (571)272-3332. The examiner can normally be reached on Monday through Friday, 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath Rao, Ph.D. can be reached on 571-272-0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/S. H. S./

Examiner, Art Unit 1647

/Manjunath N. Rao, /

Supervisory Patent Examiner, Art Unit 1647